

BETTY JO HILL, et al.,)
)
Plaintiffs,)
v.) ORDER
)
SOUTHEASTERN REGIONAL)
MEDICAL CENTER, et al.,)
)
Defendants.)

BACKGROUND

In October 2019, Judge Swank entered the instant memorandum and recommendation (M&R), granting the application to proceed *in forma pauperis* with respect to Betty Jo Hill, who submitted the IFP application, and recommending that plaintiffs' case be dismissed for lack of subject-matter jurisdiction. [DE 3]. Plaintiffs filed no specific objections to the findings of the M&R, instead submitting a list of reasons the complaint should not be dismissed, which consists of factual allegations surrounding Mr. Locklear's death. [DE 4].

DISCUSSION

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Here, plaintiffs have not specifically objected to any portion of the M&R. The M&R notes that there is no diversity of citizenship between the parties and no federal question, and therefore, finds that the Court does not have subject-matter jurisdiction over the dispute. The claims sound in North Carolina tort law and must be heard in North Carolina state courts.

The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the M&R is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Swank [DE 3] is ADOPTED and plaintiffs’ complaint is DISMISSED.

SO ORDERED, this 19 day of December, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE